

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
Wilburt Perez, *on behalf of himself and others*
similarly situated in the proposed FLSA
Collective Action,

Plaintiff,

- against -

Michael J. Martino, and Jonas Bronck Housing
Co. Inc.,

Defendants.
-----X

Case No.: 22-cv- 00193

Hon. Katherine Polk Failla, U.S.D.J.

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law dated October 18, 2024, together with the declaration of Jason Mizrahi, Esq. (the “Mizrahi Decl.”), and the exhibit annexed thereto, the affidavit of Wilburt Perez (the “W. Perez Aff.”), the affidavit of Wilbert Owen Perez (the “O. Perez Aff.”), the affidavit of Jackie Torres, and the exhibit annexed thereto (the “J. Torres Aff.”), Plaintiff Wilburt Perez (“Plaintiff”), by and through the undersigned counsel, Levin-Epstein & Associates, P.C., will move this Court, for an order to preclude Defendants Michael J. Martino, and Jonas Bronck Housing Co. Inc. (together, the “Defendants”) from relying on the 241-pages of new exhibits[Dckt. Nos. 50-1, 50-3 – 50-8]; pursuant to pursuant to Fed.R.Civ.P. 16(f), 26, and 37 (the “Cross-Motion to Preclude”), together with such other relief as this Court deems just and proper;

PLEASE TAKE FURTHER NOTICE that answering must be served by November 1, 2024. Reply papers must be served by November 8, 2024.

Dated: New York, New York
October 18, 2024

LEVIN EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi
Jason Mizrahi, Esq.
60 East 42nd Street, Suite 4700
New York, NY 10165
Tel. No.: (212) 792-0048
Email: jason@levinepstein.com
Attorneys for Plaintiff

Cc: All parties via ECF